GOVERNMENT OF INDIA
RURAL DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:2928
ANSWERED ON:24.07.2009
NATIONAL REHABILITATION AND RESETTLEMENT POLICY
Das Shri Bhakta Charan

Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether the Government has finalised the new National Rehabilitation and Resettlement (R&R) Policy;

(b) if so, the details thereof;

(c) whether the new R & R Policy has special provisions for Scheduled Castes, Scheduled Tribes and displaced farmers;

(d) if so, the details thereof ; and

(e) the time by which it is likely to be introduced?

Answer

MINISTRY OF STATE FOR RURAL DEVELOPMENT (SHRI SISIR KUMAR ADHIKARI)

(a) Yes, Sir.

(b) The revised National Rehabilitation and Resettlement Policy, 2007 formulated by this Department has been approved by the Cabinet on 11th October, 2007 and the same has been published in the Gazette of India on 31st October, 2007. The revised policy has been placed in the public domain at the websites of the Ministry of Rural Development (http: //rural.nic.in) and Department of Land Resources (http: //dolr.nic.in). Key features of the revised National Rehabilitation and Resettlement Policy, 2007 are annexed at Annexure −I.

(c) Yes, Sir.

(d) The Policy incorporates special provision at para 7.21 to protect the interest of the Scheduled Castes/Scheduled Tribes families in the event of displacement. The details are annexed at Annexure-II.

(e) The National Rehabilitation and Resettlement Policy, 2007 comes into effect from the date of its publication in the Gazette of India (Extraordinary), i.e., 31st October, 2007.

Annexure referred to in reply to part (b) of Lok Sabha Unstarred Question No. 2928 for 24.7.2009

ANNEXURE I

Key features of the revised National Rehabilitation and Resettlement Policy, 2007 are:

Policy covers all cases of involuntary displacement;

Social Impact Assessment (SIA) introduced for displacement of 400/200 or more families in plain/tribal, hilly, Scheduled Areas, etc;

Tribal Development Plan in case of displacement of 200+ ST families;

Consultations with Gram Sabhas or public hearings made compulsory;

Principle of rehabilitation before displacement;

If possible, land for land as compensation;

Skill development support and preference in project jobs (one person per nuclear family);

Rehabilitation Grant in lieu of land/job;

Option for shares in companies implementing projects to affected families;

Housing benefits to all affected families including the landless;

Monthly pension to the vulnerable, such as disabled, destitute, orphans, widows, unmarried girls, etc;

Monetary benefits linked to the Consumer Price Index; also to be revised suitably at periodic intervals;

Necessary infrastructural facilities and amenities at resettlement areas;

Periphery development by project authorities;

R&R Committee for each Project, to be headed by Administrator for R&R;

Ombudsman for grievance redressal;

National Rehabilitation Commission for external oversight.

Annexure referred to in reply to part (d) of Lok Sabha Unstarred Question No. 2928 for 24.7.2009

ANNEXURE-II

7.21 REHABILITATION AND RESETTLEMENT BENEFITS FOR PROJECT AFFECTED FAMILIES BELONGING TO THE SCHEDULED TRIBES AND SCHEDULED CASTES:

7.21.1 In cases of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of two hundred or more Scheduled Tribes families, a Tribal Development Plan shall be prepared, in such form as may be prescribed, laying down the detailed procedure for settling land rights due but not settled and restoring titles of tribals on alienated land by undertaking a special drive together with land acquisition. The Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce (NTEP) resources on non-forest lands within a period of five years sufficient to meet requirements of tribal communities who are denied access to forests.

7.21.2 The concerned gram sabha or the panchayats at the appropriate level in the Scheduled Areas under Schedule V of the Constitution or as the case may be, Councils in the Schedule VI Areas shall be consulted in all cases of land acquisition in such areas including land acquisition in case of urgency, before issue of a notification under the Land Acquisition Act, 1894 or any other Act of the Union or a State for the time being in force under which land acquisition is undertaken, and the consultation shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and other relevant laws.

Further, in cases of involuntary displacement of two hundred or more Scheduled Tribes families from the Scheduled Areas, the concerned Tribes Advisory Councils (TACs) may also be consulted.

7.21.3 Each affected family of Scheduled Tribe followed by Scheduled Caste categories shall be given preference in allotment of land−for-land, if Government land is available in the resettlement area.

7.21.4 In case of land being acquired from members of the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families at the outset as first installment and the rest at the time of taking over the possession of the land.

7.21.5 In case of project involving land acquisition on behalf of a requiring body, each Scheduled Tribe affected family shall get an additional one-time financial assistance equivalent to five hundred days minimum agricultural wages for loss of customary rights or usages of forest produce.

7.21.6 The Scheduled Tribes affected families will be re-settled, as far as possible, in the same Schedule Area in a compact block, so that they can retain their ethnic, linguistic and cultural identity. Exceptions would be allowed only in rare cases where the requiring body in case of a project involving land acquisition, or the State Government in other cases of involuntary displacement, is unable to offer such land due to reasons beyond its control.

7.21.7 The resettlement areas predominantly inhabited by the Scheduled Tribes shall get land free of cost for community and religious gatherings, to the extent decided by the appropriate Government.

7.21.8 In case of a project involving land acquisition on behalf of a requiring body, the Scheduled Tribes affected families resettled out of the district will get twenty-five per cent . higher rehabilitation and resettlement benefits in monetary terms in respect of the items specified in paragraphs 7.9, 7.10, 7.11, and 7.12.

7.21.9 Any alienation of tribal lands in violation of the laws and regulations for the time being in force shall be treated as null and void. In the case of acquisition of such lands, the rehabilitation and resettlement benefits would be available to the original tribal land-owners.

7.21.10 In the case of irrigation or hydel projects, the affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes families having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

7.21.11 The Scheduled Tribes and Scheduled Castes affected families enjoying reservation benefits in the affected area shall be entitled to get the reservation benefits at the resettlement area (s).

7.21.12. The affected Scheduled Tribes families, who were in possession of forest lands in the affected area prior to the 13th day of December, 2005, Shall also be eligible for the rehabilitation and resettlement benefits under this policy.